

Notice of Allowability	Application No.	Applicant(s)	
	10/034,432	ALAM ET AL.	
	Examiner	Art Unit	
	Ruth S. Smith	3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 4/29/05.
2. ☒ The allowed claim(s) is/are 1-3,5-8,10-30,32-35,37-77,79-95 and 97-100.
3. ☒ The drawings filed on 27 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/29/05</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>6/27/05</u> 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|--|

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Griffith on June 27, 2005.

The application has been amended as follows:

Claims 9,36 have been cancelled;

In claim 10, line 1, "9" has been changed to --8--;

In claim 37, line 1, "36" has been changed to --35--;

In claim 49, line 2, --multi-chambered-- has been inserted before "vessel";

In claim 51, line 1, "49" has been changed to -- 48 --;

In claim 52, line 2, "ICG" (first occurrence) has been deleted and replaced by --indocyanine green (ICG) -- ;

In claim 66, line 3, "ICG" (first occurrence) has been deleted and replaced by --indocyanine green (ICG)-- ;

In claim 66, line 7, "vessels" has been changed to --vessel--;

In claim 66, line 8, "dye as the dye" has been deleted and replaced by --as the ICG --;

In claim 66, line 9, "vessels" has been changed to -- vessel--;

In claim 80, line 3, "dye enters the targeted tissue" has been changed to -- ICG enters the blood vessel--;

In claim 80, line 3, --the-- has been inserted before "radiation";

In claim 80, line 4, "PDT" has been changed to -- the photodynamic therapy--;

In claim 81, line 3, "ICG" (first occurrence) has been deleted and replaced by --indocyanine green (ICG)-- ;

In claim 82, line 2, "dye" has been changed to --ICG--;

In claim 82, line 3, " , and further comprising applying" has been deleted and replaced by -- . --;

In claim 82, line 4, has been deleted;
In claim 83, line 1, "radiation" has been changed to --energy--;
In claim 84, line 1, "wherein the angiographic image is of" has been changed to --
further comprising the step of obtaining an angiographic image of tissue in which the
tumor is located--;
In claim 92, line 2, --to the tumor--has been inserted after "radiation";
In claim 92, line 2, "patient" has been changed to --tumor--;
Claim 96 has been cancelled.

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Ruth S. Smith whose telephone number is 571-272-
4745. The examiner can normally be reached on M-F 7:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Brian Casler can be reached on 571-272-4956. The fax phone number for
the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free).



Ruth S. Smith
Primary Examiner
Art Unit 3737

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